

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3, 4, 6-11, 13, 14, 16-21, 23, 24, and 26-30 are currently pending. Claims 1, 11, and 21 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1, 3, 4, 6-8, 11, 13, 14, 16-18, 21, 23, 24, and 26-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,477,667 to Levi et al. (hereinafter the “‘667 patent”); and Claims 9, 10, 19, 20, 29, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘667 patent in view of U.S. Patent No. 6,167,358 to Othmer et al. (hereinafter the “‘358 patent”).

Applicants wish to thank the Examiner for the interview granted Applicants’ representatives on January 26, 2004, at which time a proposed amendment to Claim 1 was discussed. The Examiner indicated that the proposed amendment would likely overcome the applied references. However, no agreement was reached pending the Examiner’s further consideration of the claims upon formal submission of a response to the outstanding Office Action.

Amended Claim 1 is directed to a system for tracking at least one of a device state and a device event of a remotely located device, comprising: (1) a receiver configured to receive the at least one of the device state and the device event of the remotely located device; (2) a digital storage system configured to maintain a history of the at least one of a device state and the device event of the remotely located device, and a service history of the remotely located device; (3) an analyzer configured to analyze the service history and the at least one of the device state and the device event of the remotely located device to determine a service request to be performed on the remotely located device; and (4) a service depot comprising a

computer configured to receive the service request from the analyzer over a Wide Area Network (WAN), to analyze the service request, and to transmit the service request to the remotely located device over the WAN. Claim 1 has been amended to clarify that the service depot comprises a computer. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.²

Applicants respectfully submit that the rejection of Claim 1 (and dependent Claims 3, 4, and 6-8) as anticipated by the '667 patent is rendered moot by the present amendment to Claim 1.

The '667 patent is directed to a method in a system for remote device monitoring that includes (1) agent software installed on monitored devices, and (2) listener software residing at an operation center that listens for alerts generated by the agent software. As shown in Figure 1, the '667 patent discloses that a contact 32 is contacted by the operation center 12 in order to respond to and/or repair problems associated with the device 30 monitored by the monitoring system 10. Further, the '667 patent discloses that the "contact 32 represents one or more personnel who are contacted."³ However, Applicants respectfully submit that the '667 patent fails to disclose *a service depot comprising a computer configured to receive a service request from an analyzer over a Wide Area Network, to analyze the service request, and to transmit the service request to the remotely located device over the Wide Area Network*. In particular, regarding the assertion in the Office Action that "when the technician believes the problem is resolved, the user of the remotely located device is notified via electronic mail"⁴ reads on transmitting a service request to the remotely located device, Applicants note that the communication described in the Office Action is not a service

² See, e.g., paragraph 42 of the specification.

³ '667 patent at column 4, lines 32-33.

⁴ Office Action of November 28, 2003, page 3, lines 4-6.

request. Accordingly, Applicants respectfully submit that amended Claim 1 (and dependent Claims 3, 4, and 6-8) patentably define over the '667 patent.

Claims 11 and 21 recite limitations analogous to the limitations recited in amended Claim 1. Moreover, Claims 11 and 21 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejection of Claim 11 (and dependent Claims 13, 14, and 16-18) and Claim 21 (and dependent Claims 23, 24, and 26-28) as anticipated by the '667 patent are rendered moot by the present amendment to Claims 11 and 21.

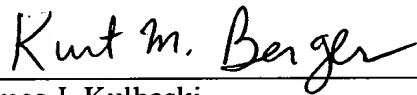
Regarding the rejection of dependent Claims 9, 10, 19, 20, 29 and 30, Applicants respectfully submit that the '358 patent fails to remedy the deficiencies of the '667 patent, as discussed above. Accordingly, for the reasons stated above for the patentability of independent Claims 1, 11, and 21, Applicants respectfully submit that the rejection of dependent Claims 9, 10, 19, 20, 29, and 30 is rendered moot by the present amendment to the independent claims.

Thus, it is respectfully submitted that independent Claims 1, 11, and 21 (and all associated dependent claims) patentably define over any proper combination of the '667 and '358 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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